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JFW

Attorney Docket No. 1148/039



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3736

Examiner Michael Astorino

In re application of

TELLER ET AL.

Serial No. 09/923,181

Filed August 6, 2001

PATENT APPLICATION

APPARATUS FOR MONITORING  
HEALTH, WELLNESS AND FITNESS

**REQUEST FOR ACKNOWLEDGMENT OF  
PRIOR ART CITED BY APPLICANT**

Pittsburgh, Pennsylvania 15222

October 24, 2006

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Upon review of the prosecution history of the above-referenced patent application, it is noted that the Information Disclosure Statements filed on August 28, 2002, July 10, 2003 and January 9, 2004 have not been formally acknowledged in a List of References Cited by the

I, Barry I. Friedman, in accordance with 37 C.F.R. 1.8(a), hereby certify that I have a reasonable basis to expect that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope bearing sufficient postage and addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 24, 2006  
Date of Deposit

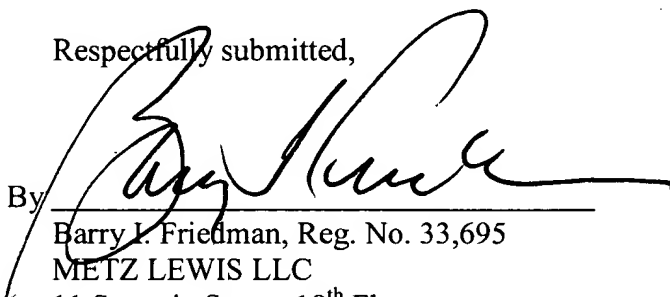
Signature

Applicant and Considered by the Examiner (Form 1449). Copies of these Information Disclosure Statements, along with proofs of receipt from the Patent and Trademark Office, are attached hereto.

Applicants respectfully request that the Examiner formally acknowledge his consideration of the prior art cited in the above-referenced Information Disclosure Statements on PTO Form 1449 and provide Applicants with the same.

Respectfully submitted,

By



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

TELLER ET AL

Serial No. 09/923,181

Filed August 6, 2001



PATENT APPLICATION

**APPARATUS FOR MONITORING HEALTH,  
WELLNESS AND FITNESS**

**INFORMATION DISCLOSURE STATEMENT**

Pittsburgh, Pennsylvania 15222

August 28, 2002

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.51, 1.56, 1.97 and 1.98, the art identified on attached form PTO-1449 enclosed herewith is cited in connection with the captioned application. The applicants hereby request the Examiner to review and make an independent evaluation of the art. A copy of the following references are provided:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

August 28, 2002

Date of Deposit

Philip E. Levy, Esq.

Name of Person Signing

Signature

A handwritten signature in black ink, appearing to read "Philip E. Levy", written over a horizontal line.

Mills, United States Patent No. 4,608,987

Ricks et al., United States Patent No. 4,784,162

Hargrove et al., United States Patent No. 4,819,860

Suzuki, United States Patent No. 5,072,458

Suzuki et al., United States Patent No. 5,111,818

Sekine, United States Patent No. 5,224,479

Myllymaki, United States Patent No. 5,515,858

Scanlon, United States Patent No. 5,515,865

Tzur, United States Patent No. 5,686,516

Scanlon, United States Patent No. 5,853,005

Hayakawa et al., United States Patent No. 5,908,396

Colla et al., United States Patent No. 6,091,973

Hadas, United States Patent No. 6,368,287

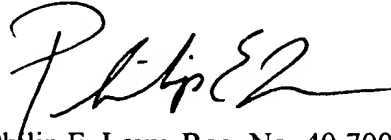
Health Hero Network, Inc., International Publication No. WO 99/27483

No fee is believed to be required in connection with the filing of this Information Disclosure Statement because it is being submitted before the mailing of a first Office Action on the merits of the above-captioned application.

Applicants believe that their APPARATUS FOR MONITORING HEALTH, WELLNESS AND FITNESS as described and claimed in the present application is neither taught nor suggested by this prior art. Accordingly, applicants' invention is believed to be patentable over these prior art references.

Respectfully submitted,

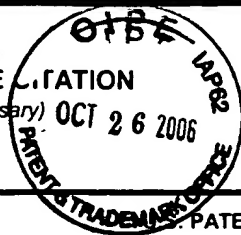
METZ LEWIS, LLC

A handwritten signature in black ink, appearing to read "Philip E. Levy". The signature is fluid and cursive, with a large initial "P" and a stylized "L".

Philip E. Levy, Reg. No. 40,700  
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Pittsburgh, Pennsylvania 15222

(412) 918-1100

**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)



ATTY DOCKET NO.  
1148/039

SERIAL NO.  
09/923,181

Teller et al.

FILING  
August 6, 2001

GROUP

**PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,608,987	9/2/86	Mills			
	4,784,162	11/15/88	Ricks et al.			
	4,819,860	4/11/89	Hargrove et al.			
	5,072,458	12/17/91	Suzuki			
	5,111,818	5/12/92	Suzuki et al.			
	5,224,479	7/6/93	Sekine			
	5,515,858	5/14/96	Myllymaki			
	5,515,865	5/14/96	Scanlon			
	5,686,516	11/11/97	Tzur			
	5,853,005	12/29/98	Scanlon			
	5,908,396	6/1/99	Hayakawa et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 99/27483	6/3/99	PCT				

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE**  
(Use several sheets if necessary)

ATTY DOCKET NO.  
**1148/039**

SERIAL NO.  
**09/923,181**

Teller et al.

FILING  
August 6, 2001

GROUP

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,091,973	7/18/00	Colla et al.			
	6,368,287	4/9/02	Hadas			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



The Patent and Trademark Office date stamped hereon is acknowledged-  
ment that on the date stamped the Patent and Trademark Office  
received the following: Information Disclosure Statement,

PTO-1449, references (14)

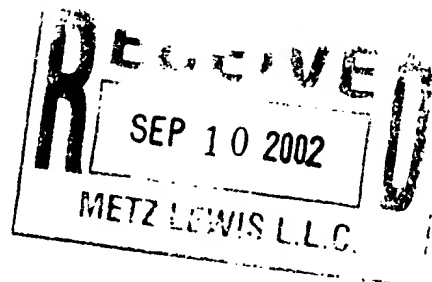
DATED: August 28, 2002

In the application of: Teller et al.

Serial No. 09/923,181 Case or Matter No. 1148/039

Atty: LEVY Name: APPARATUS FOR MONITORING  
HEALTH, WELLNESS AND  
FITNESS

Form No. 303



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